



DAG #17

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number: 03025837

First named inventor: PILARO et al.

Group Art Unit: 3732

Application No.: 09/483,526

Examiner: J. WILSON

Filed: January 14, 2000

Title: TOOTH WHITENING AND IMAGE ENHANCEMENT CENTER METHOD

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified patent application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition Fee

- Small entity fee \$650.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
 Other than small entity fee \$1,300.00. (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office Action in the form of an Amendment and Response to August 15, 2002 Office Action, and Request for Continued Examination (RCE):

- has been filed previously on
 is enclosed herewith.

B. The issue fee of \$

- has been paid previously on
 is enclosed herewith.

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3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$55.00 for a small entity or \$110.00 for other than a small entity) disclaiming the required period of time is enclosed herewith (see TO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

Christine M. Rebman

Christine M. Rebman
Reg. No. 50,546

Date: June 25, 2003

MAYER, BROWN, ROWE & MAW
P.O. Box 2828
Chicago, IL 60690-2828
Telephone: (312) 701-7174
Facsimile: (312) 706-9000

Enclosures:

- Fee Payment. A check in the amount of \$1,300.00.
 Reply – Amendment and Response to August 15, 2002 Final Office Action
 Terminal Disclaimer Form
 Additional sheets containing statements establishing unintentional delay
 Other: Request for Continued Examination
Petition to Claim Benefit Under 35 U.S.C. § 120

CERTIFICATE OF MAILING BY "EXPRESS MAIL" [37 CFR 1.10]

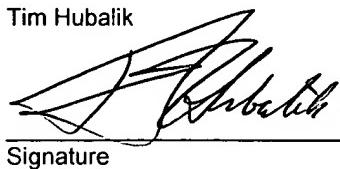
I hereby certify that this correspondence is being deposited with the United States Postal Service "express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated below, and is addressed to MAIL STOP: PETITION, COMMISSIONER FOR PATENTS, P.O. BOX 1450, Alexandria, VA 22313-1450.

DATE OF DEPOSIT: June 25, 2003

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NAME OF PERSON MAILING PAPER:

Tim Hubalik


Signature

#18



PATENT
Docket No. 03025837

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Group Art Unit: 3732

PILARO et al.) Examiner: J. WILSON

Application No. 09/483,526)

Filed: January 14, 2000)

For: TOOTH WHITENING AND)
IMAGE ENHANCEMENT)
CENTER METHOD)

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" mailing label No. EV 113372989 US

Date of deposit: June 25, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop: Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Timothy Hubalik

(typed or printed name of person mailing paper or fee)

**PETITION TO CLAIM BENEFIT UNDER 35 U.S.C. § 120
OF A PRIOR COPENDING NONPROVISIONAL APPLICATION**

Repln. Ref: 08/14/2003 AKELLEY 0012383000
DA#130019 Name/Number:09483526
FC: 9204 \$1300.00 CR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Adjustment date: 08/14/2003 AKELLEY
06/27/2003 AWONDAF1 00000137 09483526
01 FC:1454 -1300.00 OP

Dear Sir:

Applicant hereby petitions, in accordance with 37 C.F.R. § 1.78(a)(3), to claim the benefit, for this application under 35 U.S.C. § 120 of prior copending nonprovisional Application No. 09/651,170 filed August 30, 2000, which is a continuation of U.S. Application No. 09/234,038, filed January 19, 1999, now U.S. Patent No. 6,162,055, which claims priority to U.S. Provisional Application No. 60/074,708, filed February 13, 1998 and U.S. Provisional Application No. 60/075,222 filed February 19, 1998.

An amendment to the specification accompanies this Petition.

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Applicant states that the entire delay between the date the claim for the benefit of the earlier application was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date this claim is filed was unintentional.

The surcharge fee set forth in 37 C.F.R. § 1.55(c)(1), is paid as follows:

Attached is a check in the amount of \$1,300.00. Authorization is hereby made to charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 13-0019. A duplicate of this paper is attached.

Respectfully submitted,

Christine M. Rebman
Christine M. Rebman
Reg. No. 50,546

Date: June 25, 2003

MAYER, BROWN, ROWE & MAW
P.O. Box 2828
Chicago, IL 60690-2828
(312) 701-7174